

ATTACHMENT C
RESOLUTION 22-03
PUBLIC MEETING PROTOCOL

RESOLUTION NO. 22-03
BEFORE THE BOARD OF DIRECTORS
OF THE KINGS COUNTY AREA PUBLIC TRANSIT AGENCY

**PUBLIC MEETING PROTOCOL IN RESPONSE
TO COVID-19 PANDEMIC**

RESOLUTION NO. 22-03

WHEREAS, the Kings County Area Public Transit Agency (KCAPTA), a Joint Powers Authority, conducts its meetings in accordance with the Ralph M. Brown Act (Brown Act) under Government Code Section 54950 et seq.; and

WHEREAS, the Brown Act requires all public meetings of local agencies to be publicly noticed in locations where members of the local body will be participating, that such location be open and accessible to the public, and at least a quorum of the members of the legislative body must participate from locations within the boundaries of the territory over which the local body exercises jurisdiction; and

WHEREAS, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, temporarily suspending certain teleconference requirements imposed by the Brown Act; and

WHEREAS, the temporary suspension of Brown Act teleconferencing requirements expired on September 30, 2021, pursuant to the Governor's issuance of Executive Order N-08-21; and

WHEREAS, on September 16, 2021, the Governor signed into law Assembly Bill 361 (AB 361), effective immediately, authorizing a local agency to use teleconferencing without complying with the Brown Act teleconference requirements for public meetings during a proclaimed state of emergency, and such state of emergency still exists; and

WHEREAS, under AB 361, a local agency may hold a teleconferenced meeting during a proclaimed state of emergency when state or local officials have imposed or recommended measures to promote social distancing, or upon a determination, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on September 22, 2021, the County's Public Health Officer, Dr. Milton Teske, issued a recommendation that all county public meetings be allowed to continue to operate and carry on their business in the same manner as they are currently doing, including that option to meet remotely, due to the increased safety protection that social distancing provides as a means to reduce the risk of COVID-19 transmission; and

WHEREAS, such findings must be made no later than 30 days after the first teleconferenced meeting pursuant to AB 361 and every 30 days thereafter to continue to meet by teleconference under such abbreviated teleconferencing procedures.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Kings County Area Public Transit Agency as follows:

1. The facts stated in the recitals above are true and correct, and the Board so finds, orders, and determines.
2. The Board hereby resolves and determines that: (1) the proclaimed state of emergency continues to exist and that state or local officials continue to impose or recommend measures to promote social distancing, and (2) as a result of said state of emergency, meeting in person would present imminent risks to the health and safety of the attendees.
3. This resolution shall take effect immediately, and shall apply to meetings of the Board.

The foregoing Resolution was adopted on a motion by Commissioner Orth, seconded by Commissioner Morrow, at a regular meeting of the Kings County Area Public Transit Agency, held on the 27th day of October 2021, by the following vote:

AYES: Commissioner: Orth, Morrow, Neves, Verboon, Preciado
NOES: Commissioner: _____
ABSENT: Commissioner: _____
ABSTAIN: Commissioner: _____

KINGS COUNTY AREA PUBLIC TRANSIT AGENCY
BOARD OF DIRECTORS

Joe Neves
Chairperson

WITNESS, my hand this 27 day of Oct, 2021.

Moffitt
Clerk of the Board